

### **REMARKS**

Applicants have amended claims 1-55 to make minor typographical and editorial changes, and claims 3-8, 10-14, 16, 17, 25, 31, 35, 37, 41, 43, 44, 45 and 50-55 to remove multiple dependencies. Claims 10 and 25 are amended to incorporate the definition of the variable S from original claim 26. Claim 26 is amended to incorporate the definitions of various variables from original claim 4. Claim 44 is amended to incorporate the formula provided in original claim 26.

Support for amendments to claims 10, 25, and 44 can be found at least in original claim 26, and support for amendments to claim 26 can be found at least in original claim 4. Applicants submit that no new matter is introduced by the above amendments.

After entry of this amendment, claims 1-55 will be pending for examination, of which claims 1 and 26 are independent claims.

### **Previously Filed Amendments**

The Office Action indicates that the preliminary amendment filed on May 13, 2005, was not entered because it does not contain a complete claim listing and does not contain mark-ups. Applicants believe that claims as currently amended are in compliance with 37 C.F.R. 1.121(c) and respectfully request entry of these amended claims.

### **Election/Restrictions**

The Office Action requires that the Applicants elect a single species from claim 43 and identify claims readable on the elected species. Applicants traverse the election/restriction requirement (the "Requirement") and respectfully submit that the Requirement is improper.

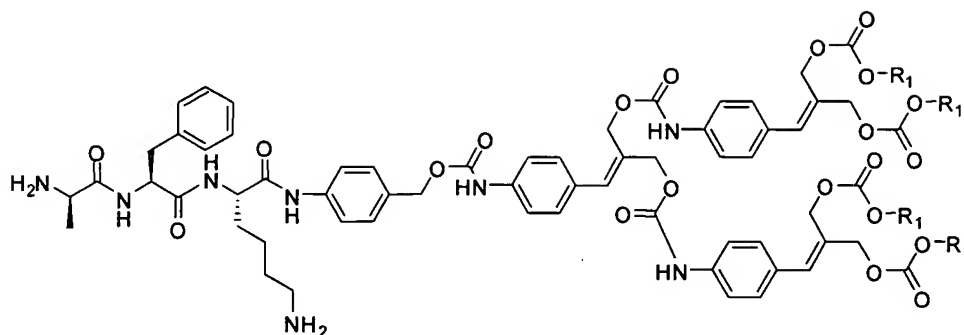
In general, U.S. national stage applications filed under 35 U.S.C. § 371 "are subject to unity of invention practice in accordance with 37 CFR 1.475 and 1.499." M.P.E.P. (8<sup>th</sup> Edition, Revision 6) § 1896 IV. In comparison, U.S. national applications filed under 35 U.S.C. § 111(a) "are subject to restriction practice in accordance with 37 CFR 1.141-1.146." Id.

As provided in 37 C.F.R. 1.475(a), “a national stage application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept (“requirement of unity of invention”).” See also, PCT Rules 13.1-13.2. In determining whether unity of invention is present in a national stage application, the M.P.E.P. states that “[u]nity of invention has to be considered in the first place only in relation to the independent claims.” M.P.E.P. § 1850 II. Furthermore, “[i]f the independent claims avoid the prior art and satisfy the requirement of unity of invention, no problem of lack of unity arises in respect of any claims that depend on the independent claims. In particular, it does not matter if a dependent claim itself contains a further invention.” Id.

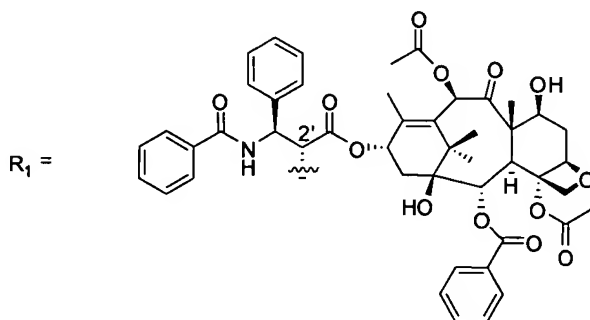
The present application is a § 371 national stage application based on International Patent Application No. PCT/NL02/00732. Therefore, the unity of invention standard set out in 37 CFR 1.475 and 1.499 applies. However, in requiring Applicants to elect one species and identify claims that read on the species, Applicants submit that the Examiner mistakenly applied the species election requirement in accordance with 37 CFR § 1.146, rather than the applicable standard provided in 37 C.F.R. § 1.475. Specifically, the Office Action fails to provide how, when considering in the first place *only* in relation to *independent claims* 1 and 26, the unity of invention requirement is not met by the present application. Instead, the Office Action simply states that “[t]his application contains claims directed to more than one species of the generic invention,” and focuses on the species in *dependent claim* 43, alleging that there is no common core structure among these species.

Applicants submit that independent claims 1 and 26 are related to one invention or a group of inventions of a single general inventive concept as required by 37 C.F.R. § 1.475. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the Requirement.

However, to provide a complete reply to the Requirement, Applicants elect with traverse the following species:



with  $R^1$  being



See Applicants' application, original claim 43, formula 4. Applicants further identify with traverse that claims 1-7, 13, 14, 16-19, 31-34, 43, 45-49, and 51-55 read on the elected species.

The Examiner is urged to telephone the undersigned attorney to discuss any remaining issues. Early and favorable actions are respectfully solicited.

Respectfully submitted,

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Date: April 17, 2008  
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